

APPROVED: Meeting No. 10-90

ATTEST: *Sharon A. Gran*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 09-90

February 26, 1990

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on February 26, 1990, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Viola D. Hovsepien

Councilmember James T. Marrinan

Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: City Manager's Report

1. The Mayor and Council just concluded a reception to kick-off the City of Rockville's 1990 Census Campaign. Mayor Duncan and other officials addressed the group regarding the importance of a complete count. The theme of the reception was "celebrating our multi-cultural community" and the City is pleased to host the colorful banners featuring symbols of various cultures, created by the International Baccalaureate students at Richard Montgomery High School.

2. This Wednesday, February 28, the City of Rockville and the Rockville Chamber of Commerce will be hosting a reception in Annapolis for the state legislators. The focus will be on the 130th Anniversary of Rockville's incorporation and to provide an opportunity to showcase Rockville as the outstanding community it is. Seventy-five people, representing the business and educational community in Rockville, will be

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attending. Governor Schaefer has been invited and it is hoped that he will have an opportunity to drop in.

3. This past weekend, there was a kick-off for the Hometown Holidays celebration at a breakfast planning meeting which included representatives from the Rockville Chamber, the Rockville Jaycees and American Legion Post 86.

4. Regarding Marriott's move to the Tower Oaks site, they have filed an application with the Planning Commission, the first step of which will be determination of a non-substantial deviation in the Master Plan, to be considered by the Planning Commission at their March 7 meeting.

5. Tomorrow evening the Community Action Team will be sponsoring an anti-drug program at 7:30 p.m. at the Lincoln Park Community Center.

6. The City recently advertised for temporary positions for students ages 16-17, to assist the City in some distribution of materials. The fliers announcing the jobs were not circulated in a timely fashion; thus, the deadline for accepting applications has been extended through Wednesday of this week.

At this time, Mayor Duncan requested a report on the vandalism which occurred at Richard Montgomery High School over the weekend. Chief Treschuk reported that both vandalism and arson were involved as well as anti-Semitism and that a full investigation of this incident is underway by the County Fire Marshal and the County Police. In response to Mayor Duncan's question regarding the estimated dollar amount of the damage, Chief Treschuk indicated that an estimate is not yet available, but that there was extensive damage to the media center and some of the classrooms. The City has offered full assistance to the County in this matter. Councilmember Coyle suggested that the City possibly set up a reward fund, and Mayor Duncan requested that the Mayor and Council be kept informed regarding developments.

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Re: Presentation to Metropolitan
Washington Council of
Governments in honor of COG's
new location.

Walter A. Scheiber, Executive Director of COG, and a former City Manager of Rockville, was presented with a recognition mural from the Mayor and Council to commemorate COG's relocation to new offices at 777 North Capitol Street, Washington, D.C. Mr. Scheiber thanked the Mayor and Council and noted that it would be displayed in a place of honor outside their Board Room prior to the dedication of the new offices on March 5.

Re: Recognition of Richard
Montgomery High School Varsity
Field Hockey Team, 1989 State
Semi-Finalists.

Sissy Natoli, Coach, and the following team members were presented with Certificates of Recognition for their placement as State semi-finalists:

Diana Camilo	Angela Canchola
Wendy Chandler	Allyson Day
Marcie Deitch	Karla Elder
Kearney Francis	Amy Hartman
Amanda Johnson	Deanna Knorpp
Emily Lefkowitz	Rebecca Lyons
Mala Malhotra	Heather Millstone
Michelle Mital	Elizabeth Mullican
Heather Orwig	Miriam Plotkin
Michele Reiss	Sarah Vogel
Tara Weidenhammer	

Managers Holly Lebowitz and Katell LeGuern were also recognized for their contributions.

Re: Appointments

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Dr. Ann Holt was reappointed to a three-year term on the Animal Control Board and to a one-year term as its Chairperson.

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Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Robert Bender was reappointed to a two-year term on the Economic Development Council.

Re: Citizens' Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

1. Robert Jacques, 629 Aster Boulevard, expressed his concerns regarding citizen letters being printed in the local newspapers which question the ethics of public officials and volunteers serving the community on various boards and commissions.

Councilmember Hovsepien advised Mr. Jacques that the Mayor and Council are following up on an issue he had raised at an earlier time regarding traffic through Courthouse Square, indicating that they would be voting that evening on a concept to prohibit through traffic at Courthouse Square.

2. John Freeland, President of the Rockville Chamber of Commerce, referenced the Ordinance to adopt Text Amendment Application T-101-89, commenting that one of the Chamber's priorities is to encourage the operation of day care facilities in the downtown area. He indicated that there does not appear to be any consideration of a bonus arrangement in the proposed ordinance and that the Chamber feels very strongly that bonus allowances would be extremely beneficial to the community.

There being no other citizen wishing to be heard, the Mayor closed the Citizens' Forum portion of the meeting.

Re: Approval of Minutes

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the minutes of Meeting No. 07-90 (February 12, 1990) were approved, as written.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the minutes of Meeting No. 08-90 (February 20, 1990) were approved, as amended.

Re: Consent Agenda

Councilmember Coyle asked to have Items G, L and N removed from the Consent Agenda. Mayor Duncan requested that Items E and H be removed.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

- A. Approval of waiver for on-site Storm Water Management for the property at 422 Lincoln Street in the Rock Creek drainage area, and acceptance of a \$3,200 contribution for the off-site SWM fund.

The developer, G. H. Smittenaar, plans the construction of a single-family house.

- B. Approval of waiver for on-site Storm Water Management for the property at 301 Lincoln Avenue in the Rock Creek drainage area, and acceptance of a \$5,600 contribution for the off-site SWM fund.

The developer, Welty Construction Company, plans the construction of two single-family homes.

- C. Approval of waiver for on-site Storm Water Management for the property at Wire Hardware site on Church Street in the Rock Creek drainage area, and acceptance of a \$62,100 contribution for the off-site SWM fund.

The developer, FSF Limited, plans the construction of a multi-story mixed use building.

- D. Award of Montgomery County Bid No. 01067, Gasoline Contract per Metropolitan Council of Governments.

Steuart Petroleum Company's low bid of .7564 per gallon for value premium unleaded fuel was unanimously accepted and awarded by the Council

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of Governments' Purchasing Officers
Fuel Subcommittee.

- F. Award of Bid No. 67-90 for municipal tree maintenance service to Cole Landscape and Tree of Silver Spring for the low bid hourly rate of \$72 for Year 1, the total amount not to exceed \$121,711, and option Years 2 and 3 at the discretion of the Director of Recreation and Parks.

The contractor shall furnish all labor, materials and equipment necessary to assist the Forestry Division in the care of municipal trees. The budgeted amount is \$121,711.

- I. Introduction of Ordinance to Adopt Text Amendment Application T-94-89, Hardage Enterprises, Applicant.

Amendments to the definitions, use regulations and parking requirements of the Zoning Ordinance related to all types of restaurants.

- J. Introduction of Ordinance to Adopt Text Amendment Application T-97-89, Joseph A. Lynott, Attorney for C. M. Whalen, Applicant.

Amendments to allow "ownership lots" and "ownership plats" to be used in TCM-1 and TCM-2 Zones.

- K. Introduction of Ordinance to Adopt Text Amendment Application T-98-89, Joseph A. Lynott, Attorney for 701 Rockville Pike Limited Partnership, Applicant.

Amendment to Zoning Ordinance Limitations on Heights to allow roof top structures and equipment to exceed the maximum building height by 19 feet, and provide a six-foot limitation on parapet walls.

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- M. Introduction of Ordinance to Approve Application to Close and Abandon Public Way SCA-59-89, Holladay-Tyler Corporation, Applicant.

Abandonment of the public right-of-way for Thompson Avenue between Chapman Avenue and the CSX/WMATA right-of-way.

- O. Redgate Golf Course 1990 Fee Authorization.

The Redgate Golf Course will need a 7.5% fee increase for the 1990 season in order to: cover all operating expenses; contribute a minimum of \$50,000 to the golf course's CIP fund; and maintain parity with other public courses in the area.

Re: Approval to cancel Contract 28-90 for the purchase of two 35,000 lb. GVW truck chassis with refuse compactor bodies from Mid-Atlantic Waste Systems, Easton, Maryland.

Mayor Duncan noted that he had requested that this Item (E) be removed from the Consent Agenda in order to determine why the contractor asked to be released. Following an explanation from staff, Mayor Duncan stated that it did not seem that there was adequate justification for release from the contract and indicated that the City should convey to the contractor its displeasure with their actions.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, approval was granted to cancel Contract 28-90 for the purchase of two 35,000 lb. GVW truck chassis with refuse compactor bodies from Mid-Atlantic Waste Systems and staff was authorized to rebid for these two replacement refuse packer trucks.

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Re: Motion to receive the City's financial reports for January, 1990.

Councilmember Coyle stated that he had requested Item G be removed from the Consent Agenda in order to discuss the year-end balance. In light of the economic environment being projected, he asked whether the City should revisit the policy of reserving 25% of its revenues as the fund balance. It was agreed that this issue would be discussed further during budget deliberations; however, the City Manager noted that the financial principles adopted by the Mayor and Council last spring were designed to be long-term and it was not contemplated that they be changed annually.

Mayor Duncan asked why the admissions and amusement tax revenue is far below the projected figures. The Finance Director responded that the timing of receipt of pass-through funds from the State is difficult to project. It was also noted that the movie theatre revenues were not near what was anticipated. Mayor Duncan requested a quarterly breakdown for the last two years of the admissions and amusement tax by type of business.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the financial reports for the month of January, 1990, were received by the Mayor and Council.

Re: Preliminary Review - Text Amendment Application T-105-90, Robert R. Harris, attorney for Holladay-Tyler Corporation, applicant.

Item H deals with proposed amendments to allow "ownership lots" and "ownership plats" to be used in the new Rockville Pike Commercial (RPC) and Rockville Pike Residential (RPR) Zones. Mayor Duncan requested that this Item be removed from the Consent Agenda inasmuch as the City had previously been requested to add O-1 to the zones which would permit "ownership lots" and "ownership plats." Following clarification from

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the City Attorney that the O-1 Zone could be added to this text amendment, staff was directed to make such a request of the Planning Commission.

Re: Introduction of Ordinance to
Adopt Text Amendment
Application T-101-89, Mayor
and Council of Rockville,
Applicant.

Councilmember Coyle stated that he had asked that Item L be removed from the Consent Agenda in order to recognize that this is a great step forward and responds to most of the recommendations of the Child Care Task Force.

Discussion followed regarding the comments Mr. Freeland had made during Citizens' Forum. It was noted by staff that this text amendment is only the first in a series of text changes to be made and that additional amendments for other child care provisions would be proposed following more research by staff which would include bonus features. The text amendment was duly introduced by the Mayor and Council.

Re: Approval of concept to improve
Courthouse Square traffic and
directions to staff to
implement recommendations.

Councilmember Coyle had requested that this item (N) be removed from the Consent Agenda because he was concerned with paragraph numbered 2 in the memorandum, that Whalen will be restricting commercial traffic from Courthouse Square and permitting it only from Middle Lane. The City Manager responded that commercial traffic on Middle Lane would be primarily light deliveries, such as florists, and the intent was to allow some judgment yet to be applied to this issue which would involve input from the affected property owners.

Regarding paragraph 6, concern was expressed in connection with adding parking spaces in this area. It was agreed that the recommendation contained in paragraph 6 would be deleted.

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Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the Mayor and Council approved staff's suggestions for prohibiting through traffic and creating a more pedestrian-friendly area in Courthouse Square with the amendments set forth above.

Re: Review of City of Rockville
testimony regarding the
Gaithersburg Vicinity Master
Plan Amendment Public Hearing.

On Tuesday, February 27, the County Council will be holding a public hearing on the Amendment to the Gaithersburg Vicinity Master Plan. Councilmember Marrinan commended staff on the preparation of the testimony in the form of a letter to the Montgomery County Council which reflected previous concerns expressed by the Mayor and Council but indicated that the language regarding Transfer of Development Rights (TDRs) is somewhat unclear. The City Attorney suggested changes to the language regarding TDRs to the effect that the City would prefer to implement compatible zoning to achieve the densities that would result from the use of TDRs.

Councilmember Coyle addressed the issue of truck traffic on Ritchie Parkway, noting that the Mayor and Council had been informed that commercial vehicles would be prohibited from using this roadway once improvements had been completed. However, a recent memo from staff indicates that the City will be required to permit truck traffic between Great Falls Road and Rockville Pike. He also questioned if the improvements to Route 28 would affect the redesignation of Gude Drive as Maryland Route 28 and if this posed a conflict. The City Manager responded that more research on this issue is required.

Regarding the commercial traffic on West Ritchie Parkway, Councilmember Marrinan noted that the City should have the option to restrict commercial traffic on

that section of the road which is City-funded, if such traffic becomes a problem on that segment over the next several years. The City Manager noted that this issue would be addressed when the new traffic pattern is in place.

Councilmember Hovsepien indicated that she had asked for information on Banks Farm and understands that it has been prepared.

Mayor Duncan asked that the sentence on page 2 of the letter suggesting an examination of the need for a high school to serve the area be deleted.

Staff was also asked to add language on page 3 of the letter explaining why the feasibility of a six-lane Gude Drive is doubtful.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the letter to the Montgomery County Council regarding the Gaithersburg Vicinity Master Plan was approved, with the amendments set forth above.

Re: Adoption of Ordinance to adopt a new Code for the City of Rockville codifying the ordinances of the City in effect as of November 14, 1988 (exclusive of zoning and planning provisions), reorganizing and modifying such ordinances by making additions, deletions and changes needed to create a unified, uniform and updated code; to provide for the repeal of certain ordinances not included in the new code; and to provide for penalties for violations.

Ordinance No. 02-90

Upon motion of Councilmember Hovsepien, duly seconded and unanimously passed, the Ordinance was amended to exclude all existing ordinances enacted pursuant to the City's zoning and planning authority. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Ordinance No. 02-90, the full text of which can be found

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in Ordinance Book No. 15 of the Mayor and Council, was adopted, as amended, to adopt a new Code for the City of Rockville.

Re: Authorization to negotiate a contract for public relations services for Town Center.

The City Manager stated that in response to a need identified by the Mayor and Council, the City initiated a search for a professional public relations firm to promote economic development in the Town Center area. It was agreed that the City would fund the start-up public relations effort for a six-month period and that the private sector would join in an extended program after six months. A selection panel interviewed four firms and recommends that an agreement, not to exceed \$30,000 for professional services and \$50,000 for all services and production costs, be negotiated with The Adams Group. It was recommended that the City work in partnership with the community and the private sector.

In response to Councilmember Robbins, staff indicated that the research and development of a public relations plan by the contractor should be completed and ready for Mayor and Council review within 30-60 days. The plan would include identification of types of problems as well as implementation strategies. Councilmember Coyle asked if current or proposed tenants of the Town Center have expressed an interest in piggybacking on this promotional effort with a marketing strategy of their own, and the City Manager responded that a meeting had been held with Town Center tenants on another subject and that they do have an interest in participating.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, staff was authorized to negotiate a contract with The Adams Group in an amount not to exceed \$30,000 for professional services and \$50,000 for all services and production costs.

Re: Adoption of Resolution to set maximum percentage rate for

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rental increases established
by Chapter 26A, Voluntary Rent
Stabilization.

Resolution No. 06-90

Each year, the Mayor and Council must establish a guideline for the Voluntary Rent Stabilization Ordinance. Staff recommended that the rent increase guideline for the period April 1, 1990 through March 31, 1991, continue to be 5.1%. Following some background information as to the origination of the voluntary rent guideline and stabilization process, staff reported that the average increase in the City for the calendar year 1989 was 5.9%. In response to Councilmember Marrinan, staff noted that when a landlord recommends an extraordinary rent increase, the City has the right to examine their books to determine the justification for such an extraordinary increase.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Resolution No. 06-90, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted to establish a 5.1% voluntary rent guideline for the period April 1, 1990 through March 31, 1991.

Re: Review of 1990 Census
Activities.

Staff reviewed the multi-faceted approach toward achievement of a complete count in the upcoming 1990 Census, including community outreach conducted by the Community Services Department and participation in the Countywide homeless count event; Cable TV programming; printing and distribution of a Census brochure; articles in Rockville Reports; and public service announcements during the month of March.

Councilmember Marrinan was advised by staff that the City's boundaries have been updated with the Census Bureau. In response to his question as to ensuring a complete count of long-term psychiatric patients while maintaining confidentiality, staff responded that there would be follow-up with Chestnut Lodge. Councilmembers Coyle and

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Hovsepien noted the importance of the Census, its impact on formulas for state and federal funding, valid statistics for City planning and programming and its role in redistricting for state representation.

In response to Mayor Duncan's question as to how the City's estimates compare with pre-census local estimates, staff noted that they were basically in line with the possible exception of bordering areas with new housing where the numbers were within one or two household units.

Re: Update on planning for the F.
Scott Fitzgerald Commemoration
event.

Staff reviewed plans for appropriate recognition of the 50th Anniversary of the death of F. Scott Fitzgerald. The actual date is December 22, 1990, and it is anticipated that a ceremony will take place in early December. A 60-90 minute ceremony is being planned featuring a keynote speaker; there will be discussion regarding his writings as well as dramatic readings from his works. Arrangements will be made with St. Mary's for a gravesite ceremony as the primary public event and the placing of signage will also be discussed with St. Mary's inasmuch as there is little knowledge of the location of his grave. There will be discussion with The Adams Group as to identification of F. Scott Fitzgerald's gravesite in conjunction with promotion of the Town Center and exploration of the possibility of placing freelance articles in major regional magazines regarding F. Scott Fitzgerald's life.

Councilmember Coyle suggested including the Chapel at St. Mary's, which recently celebrated its 175th Anniversary, as part of the program to add some additional historical perspective. Mayor Duncan requested that staff explore with Metro the possibility of putting directional signs in the Rockville Metro station for the gravesite, the historic district and other points of interest in Rockville.

Sima Osdoby noted that many people have no idea of the significance of F. Scott

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Fitzgerald being buried here in Rockville, and it is important to make it known that he spent a great deal of time in Rockville and why he wanted to be buried here. In response to her question regarding how the commemoration is to be funded, staff noted that it is a little too early to answer but that appropriation for this event would be identified as part of the FY91 budget process. There was discussion of a possible exchange with St. Paul Minnesota, Fitzgerald's birthplace. Mayor Duncan noted that the City should involve interested citizen groups in the planning process.

Re: FYI/Correspondence

Mayor Duncan suggested that staff may wish to consider the Student Government Days Program in connection with the application for the "All America City" Award.

Councilmember Coyle mentioned the correspondence from the Cultural Arts Commission which requested Mayor and Council approval to have postcard reproductions made of the two paintings that had not been reproduced and to establish a revolving fund of \$600 defray the cost of production and in which to deposit funds received. Mayor Duncan responded that the \$600 could come from the Targets of Opportunity fund, and the Mayor and Council agreed.

Councilmember Marrinan commended staff on the repair of the Scott Drive bridge, noting that the end product is very attractive.

Mayor Duncan referenced the letter from Sima Osdoby regarding the City's contributions to Suburban Maryland Fair Housing and the requirement that matching funds be provided from sources within the City. Following discussion, it was agreed that the restriction regarding sources within the City would be removed.

With respect to the Nominations for Fair Housing Awards, Councilmember Marrinan suggested that Councilmember Hovsepian be nominated for the Elected Official Category as she has always taken the lead in fair housing issues. Upon motion of Councilmember Marrinan, duly seconded, with Councilmember Hovsepian abstaining, it was agreed that

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Councilmember Hovsepian would be nominated for this award.

As to the category of Volunteer Organization, it was proposed that Community Ministries of Rockville be nominated. Upon motion of Councilmember Marrinan, duly seconded, the Mayor and Council unanimously agreed to this nomination.

It was also agreed by the Mayor and Council that the Polinger Corporation would be nominated for the "Private Housing Industry--Rentals" category for their voluntary rent stabilization agreement for seniors and the Montgomery County Association of Realtors for the "Private Housing Industry--Sales" category in connection with the Red Barn project.

Mayor Duncan asked why the Alternative Community Services Commission is not being referred cases. Chief Treschuk responded that he is working with Montgomery County to revamp the program and to provide a mechanism for juvenile and adult referrals.

Councilmember Coyle commented on the previous practice of referrals, and Chief Treschuk noted that there hasn't been a referral in four months. The Commission will be sending a letter to the Mayor and Council regarding this issue, and Mayor Duncan requested that this item be scheduled on the agenda as soon as the letter is received.

Re: New Business

Councilmember Hovsepian stated that she felt it appropriate to review how to implement staggered terms for the Board of Supervisors of Elections inasmuch as the terms of all the Board members expire in June, 1991. Mayor Duncan stated that the intention was to stagger terms after the same Board members had an opportunity to work with the new election ordinance for four years. The City Attorney's Office was requested to provide the Mayor and Council with several options for how the staggering of terms could be achieved.

Regarding the National League of Cities' Human Development Steering Committee meeting scheduled for March 3, Councilmember Coyle noted that the issues of health costs

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and services; affirmative action in light of the Richmond and Birmingham decisions; National Volunteer Services; and domestic partnership were some of the topics to be discussed. Councilmember Marrinan asked staff to provide him with any suggestions they may have for discussion at the NLC Transportation and Communications Policy Committee meeting.

Councilmember Coyle noted that the County has an informational brochure outlining emergency/disaster policies and that the City might want to consider its own brochure or, alternatively, secure copies from the County for distribution to Rockville residents.

Re: Executive session

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the Mayor and Council convened in Executive Session at 9:45 p.m. to consult with counsel and to discuss land disposition and personnel matters.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 12:40 a.m., to convene again in General Session at 7:30 p.m. on March 12, 1990, or at the call of the Mayor.